

ORDER FOR DISCIPLINARY ACTION
AND LETTER OF REPRIMAND

TO: ROGER MANN
Deputy Sheriff
Madera County

YOU ARE HEREBY NOTIFIED that pursuant to Madera County Code Section 2.54.120 this Letter of Reprimand will be entered into your personnel file with the Madera County Sheriff's Office effective 8/18, 1998. The cause for disciplinary action is a violation of Madera County Sheriff's Department Policy 84-7, Paragraph 3, to wit: ... "When off-duty they should perform necessary police service in only those matters coming to their attention that cause an immediate threat to life or property if the officer has the ability to do so."

On April 25, 1998 while off duty at Skeeko's Bar, allegedly to meet a confidential informant when you observed two female subjects known to have outstanding warrants of arrest. You followed them outside and managed to arrest one of the subjects, the other fleeing. You claim that your actions were based on the premise that NET was actively looking for both of these subjects. NET reports this was not the case.

On April 28, 1998 while off duty at the Beacon Station located at Avenue 17 and Road 26 you observed a subject known to you as Robbie Delacruz. You claim that you recognized him from a BOL put out several months earlier that he was engaged in narcotics activity. You detained him and although consensual, searched him in front of the business. The information you were acting on had been passed on to NET, was by your own admission, several months old.

Later the same evening still while off-duty, you contacted the dispatch center and requested computer information relating to the address of Diana Dunn, the female you arrested off duty at Skeeko's. You state that your reason for obtaining the address was that you believed that Cheryl Lakes was living with Diana Dunn. Ms. Lakes being the person that fled from Skeeko's. You had worked two patrol shifts since the arrest of Dunn and you had not requested this information during the normal course of duty.

You may not appeal this Letter of Reprimand to the Madera County Civil Service Commission. However, you may have a

written response to the reprimand placed in your personnel file pursuant to Madera County Code Section 2.54.120 and 2.254.140, copies of which are attached hereto and incorporated herein by this reference.

DATED Aug 13, 1998

Tom Turk
Tom Turk, Undersheriff

Served By to David D. Bradford Date 8/18/98

ORDER FOR DISCIPLINARY ACTION - LETTER OF REPRIMAND

**TO: ROGER MANN, Deputy Sheriff
Madera County Sheriff Department**

YOU ARE HEREBY NOTIFIED that pursuant to Madera County Code Section 2.54.120 this letter of Reprimand will be entered into your personnel file. The cause for this disciplinary action is your violation of the following:

1. General Order 84-12, Canon Two:

PEACE OFFICERS SHALL BE AWARE OF AND SHALL USE PROPER AND ETHICAL PROCEDURES IN DISCHARGING THEIR OFFICIAL DUTIES AND RESPONSIBILITIES.

and Ethical Standard 2.2:

STANDARD 2.2 Peace Officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.

2. General Order 84-12, Canon Four:

PEACE OFFICERS WILL SO CONDUCT THEIR PUBLIC AND PRIVATE LIFE THAT THEY EXEMPLIFY THE HIGH STANDARDS OF INTEGRITY, TRUST, AND MORALITY DEMANDED OF A MEMBER OF THE PEACE OFFICER PROFESSION.

and Ethical Standards 4.4, in part, and 4.9:

STANDARD 4.4 Peace Officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession.

STANDARD 4.9 Peace officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

3. Madera County Code Section 2.57.130, Rule 10-2 (a) and (r):

(a) ... inefficiency;

(r) Any act during or outside of hours of duty which is incompatible with or inimical to the County service; conduct unbecoming an employee in the County service.

SYNOPSIS OF FACTS

The following is a synopsis of the facts which are the basis of this Letter of Reprimand.

The County of Madera sponsors the Madera County Sheriff Department Explorer Post #104, chartered through the Boy Scouts of America. Explorer Scouts are young people, at least 14 years of age to less than 21 years of age. Among other activities, Explorers are required to accompany Deputy Sheriffs on patrol shifts. The deputies are expected to act in a professional manner, serving as a mentor to young impressionable Explorers.

At all times relevant to this Letter of Reprimand, a member of the Explorer Post was Blanca J. age 20. Blanca J. met you through the Explorer ride along program. You are a mature adult of 41 years of age.

On three occasions in March/April of this year, while still an Explorer with Post #104, Blanca J. visited your residence. Two of the visits were planned between you and Blanca J., and one was not. Two of these visits resulted in sex between you and Blanca J.

Your intimacies with Blanca J. were made known by Blanca J. to at least four Explorer's, age 15/16.

Your conduct with Blanca J., if it became generally known, could have an adverse impact on the people of the community in supporting this Department's Explorer program as well as impacting the willingness of parents to allow their minor children to participate in the program. Your conduct was not consistent with the high standards of integrity, trust and morality demanded of a member of the peace officer profession and you failed to fulfill your professional responsibilities as a role model and/or mentor.

In addition to the above, in March and April of this year, the Department received three complaints/reports from your fellow officers alleging that you made untrue statements and/or included untrue information in your reports. These matters have been discussed with you. Department investigation determined that two of the allegations were inconclusive, and thus not sustained. One allegation was sustained.

The incident that was sustained is the one that occurred on or about April 25, 1999, and concerned the allegation that you made untrue statements to Sgt. Weisert stating that you had approval for time off given to you by OIC Dep. Knittle, when in fact you did not.


In reaching this level of discipline, I have reviewed and considered all documents in your personnel file.

Please be reminded that you, as an officer, have a duty to be truthful and to impartially prepare your reports without exaggeration of fact. It is the policy of this Department that its officers shall make truthful statements, and that includes incident reports. Cannon two, Standard 2.2, quoted above, requires that you as an officer be truthful, completely and impartially report, testify, and present evidence in all matters of an official nature. Should you, or any officer, develop a reputation otherwise, your effectiveness as an officer for this Department could be seriously compromised.

Please note that any further incidents of the above nature may result in discipline up to and including termination of employment with the County of Madera.


You may, if you wish, prepare a written response to this Letter of Reprimand and request that it be included in your permanent personnel record.

DATED: 8/6 - , 1999


Tom Turk
Undersheriff

Read and Received.

DATED: 9 - 7 , 1999


Roger Mann
Deputy Sheriff

REVISED ORDER FOR DISCIPLINARY ACTION

**TO: ROGER MANN, Deputy Sheriff
Madera County Sheriff's Department**

YOU ARE HEREBY NOTIFIED that pursuant to Madera County Code Section 2.54.120 you are hereby suspended from the County employment effective May 16, 2001 for three (3) working days (36 hours), without pay. The causes for such disciplinary action are as follows:

Violation of Madera County Code 2.57.130 Civil Service Rules 10-2,

- (a) Incompetency or inefficiency:
- (b) Violation of provisions of these rules or of County ordinances concerned with regulation of employees; and

Additionally, you have not fully adhered to the following:

CANON THREE- Standard 3.1 Peace Officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

Standard 3.2 Peace Officers, during their tour of duty shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

SYNOPSIS OF FACTS FOR WHICH DISCIPLINE IS TAKEN :

You currently work for the Madera County Sheriff's Department as a Deputy Sheriff, and have worked for the Department since 1997. Your actions, as follows, form the basis for the imposed discipline.

You served a search warrant at 11347 Road 28 ½, in Madera, on July 20, 2000. After serving the warrant, you arrested Judith David and seized from her wallet a substance later found to be methamphetamine. You prepared report #2000-10852 pursuant to the arrest of Ms. David.

On September 13, 2000, Ms. David arrived at the Department to contact you for the return of her wallet. You were in the field at the time and advised Community Service Officer (CSO) Jamison by radio, the wallet was located in your top desk drawer of the Valley Detective office. CSO Jamison released the wallet to David.

On September 13, 2000, you were asked by Lt. Benard to explain how you came into possession of the wallet. You explained that Ms. David contacted you on September 5, 2000 and she was inquiring about her wallet, you checked the case file and did not see it as property on the booking sheet. You further stated you advised Ms. David not to return to victim Watts' residence to attempt recovery of her wallet, that you would attempt to locate the wallet and contact her if the wallet was recovered. On September 6, 2000 you went to the Watts residence and Mr. Watts returned the wallet to you. You admitted you returned to the Sheriff Department, placed the wallet in your desk drawer and attempted to contact Ms. David by phone, but only left a message with a roommate. The wallet remained in your locked desk drawer over the weekend and was returned to Ms. David on September 13, 2000.

Additionally, you admitted that you have been through a field training program with the Department which included training on procedures for handling "found" property and property taken for safekeeping. Further, you admitted that you did not handle the wallet according to the requirements of your training and the policies of the Department.

You failed to adhere to the aforementioned Department policy by your inappropriate action. This is unacceptable as an employee of the County of Madera and specifically, the Sheriff's Department.

In determining the level of discipline, I have taken into consideration all items placed into your personnel file, evaluations, the investigation for the above incidents by this Department, the follow-up investigation, and the statements of all witnesses. You may review your personnel file by making your request to the Madera County Personnel Department, 333 West Olive Avenue, Madera, California. Additionally, you may review all materials upon which the recommended disciplinary action is being taken by making a request to Undersheriff Tom Turk, or his designee. Any additional violations may result in discipline, up to and including dismissal from the County employment.

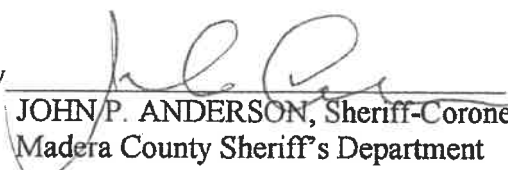
YOU ARE ADVISED that you may appeal this Order to the Madera County Civil Service Commission by following the procedure outlined in the Madera County Code Section 2.54.120

and 2.54.130 and Civil Service Rules 10-3 and 10-4, copies of which are attached hereto and incorporated herein by this reference.

YOU ARE FURTHER ADVISED that failure to file a written Notice of Appeal within the specified time period shall be deemed a waiver of any right to appeal the action taken.

Dated: _____, 2001

By


JOHN P. ANDERSON, Sheriff-Coroner
Madera County Sheriff's Department

Order for Disciplinary Action

Served by: _____

Date Served: _____